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11 MARX FORD, individually
12 and as Successor in Interest to the
13 Estate of Gennie Price, deceased;
14 RODNEY FORD; MARVIN FORD;
15 and MORRIS FORD

16 UNITED STATES DISTRICT COURT

17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18 MARX FORD, individually and as Successor)
19 in Interest to the Estate of Gennie Price,)
20 deceased; RODNEY FORD; MARVIN FORD;)
and MORRIS FORD,)

Plaintiffs,)

vs.)

REDWOOD SPRINGS HEALTHCARE)
CENTER; SPRUCE HOLDINGS, LLC; and)
DOES 1 to 50, inclusive,)

Defendants.)

Case No. 1:21-cv-00871-NONE-SAB

**PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION TO REMAND**

HEARING:

DATE: August 5, 2021

TIME: 9:30 a.m.

COURTROOM: 4

Upon consideration of the papers filed by the parties, the Court finds that:

1. Defendants have failed to carry their burden of establishing that the case is removable under the Federal Officer removal statute (28 U.S.C. § 1442(a)(1)).

2. Defendants have also failed to carry their burden of proving that the case is removable pursuant to the Public Readiness and Emergency Preparedness Act, 42 U.S.C. §§ 247d-6d, 247d-6e (West 2020) (hereinafter the “PREP Act”). The Court finds there is no “federal question” subject matter jurisdiction in this Court (28 U.S.C. § 1331).

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1 3. The Court declines to exercise jurisdiction over the case as an “important federal
2 question.”

IT IS HEREBY ORDERED that this action is immediately remanded to the Superior Court of the State of California, City and County of Tulare, where the action was originally filed as Case No. 286614.

IT IS SO ORDERED.

7 Dated: _____

UNITED STATES DISTRICT JUDGE